

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

SWISSDIGITAL USA CO., LTD.,

*Plaintiff,*

v.

SAMSONITE INTERNATIONAL S.A.,

*Defendant.*

Civil Action No. 6:23-cv-00196-ADA

**JURY TRIAL DEMANDED**

**STATUS REPORT ON VENUE MOTION**

Pursuant to Section VI of the Court’s Standing Order Governing Proceedings (OGP) 4.4—Patent Cases, Defendant Samsonite International S.A. (“Defendant”) submits this status report to inform the Court that Defendant’s Motion to Dismiss or Transfer in the Alternative has been fully briefed (pending leave of Court to submit a supplemental brief in support of Defendant’s Reply, Dkt. No. 41) and is ready for resolution.

Defendants moved to dismiss or transfer this case to the District of Massachusetts on June 20, 2023. Dkt. No. 19. Plaintiff Swissdigital USA Co., Ltd. (“Plaintiff”) filed its response on July 18, 2023. Dkt. No. 24. Plaintiff subsequently served jurisdictional discovery requests on July 21, 2023. Defendant filed its Reply on July 25, 2023. Dkt. No. 25. The parties then completed venue-specific discovery which involved Defendant producing documents in response to requests for production and serving responses to Plaintiff’s interrogatories.

Defendant moved for leave to file a supplemental brief in support of its Reply to alert the Court of facts learned through venue discovery on February 9, 2024. Dkt. No. 41. Plaintiff filed its opposition on February 16, 2024 (Dkt. No. 45), and Defendant filed a Reply on February 21, 2024. Dkt. No. 47.

In its Opposition, Plaintiff indicated that it was not seeking additional venue discovery due to time and cost. Dkt. No. 45 at 2. Defendant requested confirmation of this from so that Defendant could properly file this Notice as required by the Court. Plaintiff refused to consent, but also refused to explain its basis for that refusal. *See* Exhibit A (202-02-29 Email fr Draffin to Chung). Defendant understands from Plaintiff's opposition to Defendant's motion for leave (Dkt. No. 45) and its prior representations (*see* Dkt. No. 41-1 at 11 of 13) that Plaintiff does not seek further venue discovery and does not intend to seek supplemental briefing. The briefing for Defendant's Motion to Dismiss or Transfer in the Alternative (Dkt. No. 19) is thus completed.

Defendant confirms that its motion to dismiss or transfer is ready for the Court's attention, and respectfully requests a hearing on the motion at the Court's earliest convenience.

Date: February 29, 2024

Respectfully submitted,

/s/ Bailey K. Benedict

Neil J. McNabney

njm@fr.com

Texas Bar No. 24002583

**FISH & RICHARDSON P.C.**

1717 Main Street, Suite 5000

Dallas, TX 75201

Tel: (214) 747-5070

Fax: (214) 747-2091

Bailey K. Benedict

benedict@fr.com

Texas State Bar No. 24083139

**FISH & RICHARDSON P.C.**

1221 McKinney Street, Suite 2800

Houston, TX 77010

Tel: (713) 654-5300

Fax: (713) 652-0109

Wonjoon Chung (*pro hac vice*)  
GA Bar 396468  
chung@fr.com  
**FISH & RICHARDSON P.C.**  
1180 Peachtree St. NE, Fl. 21  
Atlanta, GA 30309  
Telephone: (404) 892-5005  
Fax: (404) 892-5002

**ATTORNEYS FOR DEFENDANT  
SAMSONITE INTERNATIONAL S.A.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5 on February 29, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system and via electronic mail.

/s/Bailey K. Benedict

Bailey K. Benedict